Disability Documentation: Using All the Data

Stan F. Shaw
University of Connecticut, Storrs

Abstract

Approaches to disability documentation have long been grounds for contention among postsecondary disability service providers. While the new AHEAD Documentation Guidance seems to be creating the usual intensity and heat among its members, there does seem to be a data-based middle ground. The AHEAD Guidance recommends that disability service providers place a greater emphasis on students' history of accommodation use. This history can be established with an array of secondary school data, including the Summary of Performance (SOP). Research by de Vries and Schmitt (2012) demonstrates that AHEAD members find a comprehensive SOP to be very useful. Recommendations for using high school data to support documentation and accommodations decisions are made and approaches for enhancing the quality of data from secondary schools are presented.

Keywords: Disability documentation, summary of performance (SOP), AHEAD guidance

The de Vries and Schmitt article (2012), in this issue of JPED, on the perceived utility of the Summary of Performance (SOP) in postsecondary education found that most participants (i.e., AHEAD members who are disability service [DS] providers) rated the sections of the Model Summary of Performance (Dukes, Shaw, & Madaus, 2007) "very useful" to "extremely useful" for making accommodations decisions. Furthermore, the authors note that regardless of degree, discipline or field of study, source of disability training, or postsecondary disability experience, postsecondary disability personnel perceived the SOP to be very useful if the document was comprehensive in nature. In short, this study provides evidence that postsecondary personnel value comprehensive SOPs as a productive tool for determining accommodations for postsecondary students seeking supports from the Office for Students with Disabilities. Why then does postsecondary disability documentation continue to be a point of contention?

Disability Documentation: A Developmental Process

Services for students with disabilities have evolved through a developmental process over the last century. Initially, the field of special education was non-existent as students with disabilities were denied an education. States that did serve students with disabilities in the first half of the twentieth century often provided custodial care in segregated settings. The passage of the Education of All Handicapped Children Act of 1975 (now the Individuals with Disabilities Education Act; IDEA) guaranteed a free, appropriate education in the least restrictive environment to all students with disabilities for the first time. Classes for students with disabilities began at the elementary level and over time were expanded to middle school and high school. As new populations of students were identified (e.g., those with learning disabilities or autism), services were created to meet their needs. Gradually, the provision of educational services moved from separate schools to separate classrooms to resource rooms, followed by a series of attempts to integrate students with disabilities into regular classrooms (Florian, 2007). The point is that for almost a century legislators, parents, judges, and professionals have had to address legal, educational, cultural, and psychological barriers to equal access (Brinckerhoff, McGuire, & Shaw, 2002). We need to consider the issue of disability documentation in a similarly developmental context when thinking about changes that have occurred over the past three decades.

In the 1980's most identified college students with disabilities had physical or sensory limitations that were both apparent and relatively straightforward to

accommodate. As more students with hidden disabilities began requesting accommodations and services in that decade, conflicts about documentation arose. On one hand, many wanted to serve all the students who presented themselves as students with disabilities while others felt a need to ensure that only students with "documented" disabilities received services (Madaus & Shaw, 2006). In addition to these areas of disagreement between postsecondary service providers, there were also conflicts among secondary personnel, leaders of testing agencies, and representatives of postsecondary education. A report by the National Joint Commission on Learning Disabilities (2007) noted "disconnects" such as lack of consistency between documentation practices across postsecondary institutions, differing laws impacting how disabilities were diagnosed in secondary vs. postsecondary settings, and how accommodations decisions varied among postsecondary personnel with varying qualifications.

These conflicts are exemplified by the AHEAD "Guidelines for Documentation LD in Adolescents and Adults" (1997) and the "Guidelines for Documentation of ADHD" (1998) developed by a consortium of professionals. Among the issues that have been debated into the twenty-first century were the use of the learning disability discrepancy formula; the qualifications of the evaluator; and the quality, detail, contents, and recency of evaluation data. As noted more than a decade ago, "Policy is not a static commodity. It is a dynamic road map that periodically should be reviewed within the context of legal precedents, evolving developments in the field, and emerging 'best practices'" (Brinckerhoff, et al., 2002, p. 248).

The new Guidance (Association on Higher Education And Disability [AHEAD], 2012), revised ADA Amendments Act of 2008 (ADAAA), and improved performance data being provided by high schools are driving new approaches to documentation that require changes now in postsecondary DS practices. Specifically, AHEAD's Guidance identifies student self-report as the primary level of documentation, evaluating the effectiveness of previously implemented accommodations as secondary documentation, and external or third party reports (e.g., assessments, Individualized Education Plan [IEP], SOP's) being the tertiary level of documentation. Disability services personnel are now being asked to use their professional expertise to analyze the utility of high school documentation data in a way the field has not done before. This new direction relates to previous upgrades in our profession. The AHEAD Professional Standards (Shaw, McGuire & Madaus, 1997) called for disability personnel to determine program eligibility for services based upon documentation of a disability. Similarly, the Program Standards (Shaw & Dukes, 2006) called for programs to develop procedures regarding student eligibility for services and documentation review. So, rather than oppose new information that often requires us to develop new policies, engage in staff development, and explain new procedures to students, parents, administrators and staff, we need to accept change as part of the developmental process inherent in our professional role.

Disability Documentation and the Rule of Law

Disability documentation has been impacted significantly by legislation and judicial decisions. As postsecondary personnel, we focus on Section 504 of the Rehabilitation Act of 1973, Subpart E that gave us our mandate and the Americans with Disabilities Act of 1990 (ADA) that provided direction for our services (Keenan & Shaw, 2011). Students with disabilities typically arrive at postsecondary institutions with a diagnosis and years of assessment data, services, and accommodations throughout their K-12 experience as well as IDEA-mandated educational components such as an IEP and SOP (Shaw, 2006).

The ADA has undergone its own makeover as Supreme Court decisions in the *Sutton v. United Air Lines* (1999) and *Toyota v. Williams* (2002) cases narrowed the scope of eligibility under the law. The passage of the ADAAA (2008) rejected the outcomes of those cases and instead reinforced that the protections of the ADA were to be defined broadly, so as to make it easier for individuals with disabilities to obtain their rights under the law (Shaw, Dukes & Madaus, 2012). The recently published conceptual framework, "Supporting Accommodations Requests: Guidance on Documentation Practices" (AHEAD, 2012) summarizes the balance sought by the ADAAA:

> The regulations acknowledge that postsecondary institutions may request a reasonable level of documentation. However, requiring extensive medical and scientific evidence perpetuates a deviance model of disability, undervalues the individual's history and experience with disability and is inappropriate and burdensome under the revised statute and regulations (p. 1).

It is important to understand that coping with change is challenging while recalling that our field has done so successfully many times in its relatively brief existence.

Discussion

Managing Change

While our focus is undeniably on the students we see each day, we have our own personal biases and styles. Our training and experience, as well as the culture of our institutions and programs, have led us to operate in certain ways. Nevertheless, as professionals, change is assured, especially in the relatively young field of postsecondary DS where changing laws, court decisions, emerging populations, and new research create a dynamic of change. We can ignore or stop this reality with as much success as we can stop a large wave as it approaches the shore. The more effective approach is to accept that change is an inevitable part of our profession that should be embraced as an opportunity for learning and renewal. Not incidentally, it makes each of us valuable members of our institution who keep campus-based colleagues abreast of these changes to assure that state-of-the-art access and services are being provided. How does this dynamic relate to disability documentation? The availability of the SOP, the de Vries and Schmitt data, and new AHEAD Documentation Guidance provide an opportunity to enhance our services and policies without undermining our beliefs or requiring us to develop completely new documentation procedures.

Using All the Data

The AHEAD Guidance (2012), like the ADAAA (2008), indicates that we need to focus less on the gatekeeper function of documentation review and instead use a broad range of information to identify functional limitations and appropriate accommodations. Madaus, Shaw, Miller, Banerjee and Vitello (2011) inform us that many states have comprehensive SOP's that include copies of previous evaluations that have formed the basis for disability determinations and the provision of accommodations in high school. De Vries and Schmitt (2012) demonstrate that postsecondary disability personnel now find comprehensive SOP's to be useful in the documentation review and accommodations process at the postsecondary level.

In other words, in spite of initial discomfort with SOP's, recent changes have made a broader array of data helpful in the disability documentation process. Information such as transition goals, a history of functional limitations, and use and effectiveness of accommodations can help us make accommodation determinations at the postsecondary level (Shaw, Keenan, Madaus & Banerjee, 2010). The new AHEAD Guidance, however, does not limit us to the data noted above. The Guidance simply – but importantly – sanctions our use of these additional bullets in our arsenal of documentation instrumentation. As needed, we can make the determination to request and review additional data. The maxim of Occam's razor, however, suggests that we should strive to look for the fewest possible causes that will account for a student's symptoms or behavior. Starting with the recent historical data about a student's need for accommodations before seeking more current, intrusive, or costly data would seem to be a reasonable approach.

Cautions and Caveats

The de Vries and Schmitt article (2012) provides data to support the efficacy and utility of a *carefully conceived and comprehensive SOP*. In fact, the SOP they used was developed by personnel who were part of the leadership of the National Transition Assessment Summit (2005) that created the model SOP template. Many SOP's that are received by postsecondary disability personnel, however, are far less detailed than the model template or may not be completed in a way that is as specific and informative as the one used by de Vries and Schmitt (Madaus, Bigaj, Chafouleas, & Simonsen, 2006). It is inevitable that postsecondary disability personnel may receive brief or poorly conceived SOP's of limited utility in the documentation and accommodations process. When this happens, DS professionals are encouraged to consider the following proactive approaches to enhance the utility of SOP's in combination with other documentation over time.

Even though newer forms of documentation have promise, they often are not yet as effectively developed as they could be. Since grumbling about the unhelpful information or criticizing secondary personnel would not be productive, DS professionals are encouraged to work with their regional/state AHEAD affiliate to lobby the State Department of Education for revised policies that could promote the comprehensively-developed Model SOP studied by de Vries and Schmitt (2012). Similarly, collaboration with area or feeder school districts can result in improved documentation

data. Parents and advocacy groups have demonstrated political clout in supporting services for students with disabilities for many decades. Seeking out this constituency at the local or state level (e.g., Learning Disabilities Association of America, Autism Speaks, Parent Advocacy Center) can be very helpful to foster development of useful IEP's, SOP's and accommodations records in high school.

To impact policy at the national level, AHEAD could form a task force to work with a coalition of organizations whose mission is to foster transition from secondary to postsecondary environments. This coalition could include State Transition Coordinators, the federally funded National Secondary Transition Technical Assistance Center (NSTTAC), and the Council for Exceptional Children's Division on Career Development and Transition (DCDT). These organizations could be informed about the de Vries and Schmitt data and the new AHEAD Guidance indicating postsecondary education's interest in high quality secondary transition data. Personnel from these organizations worked with AHEAD in the National Transition Assessment Summit (2005) to create the model SOP. This history of collaboration suggests a considerable likelihood that these organizations would be willing partners with AHEAD in this new effort.

The AHEAD Guidance (2012) also identifies the IEP as a potential source of information in the documentation and accommodations process. Although IEP's have been getting better in recent years, many have limitations that often make them less useful than the SOP. The major difference between these two documents is that the IEP is prospective (i.e., this is what we want to happen over the next year), while the SOP is an historical document describing what happened over the previous four years. Therefore, the SOP reports on actual accommodations used and whether or not they were effective. Once again, it is the responsibility of postsecondary disability personnel to assess the efficacy of all sources of information when reviewing students' documentation and requests for accommodations.

Another source of data, generally referred to in the AHEAD Guidance as student's educational and accommodations history, may provide very useful information for postsecondary personnel. An evidence-based practice called Schoolwide Positive Behavior Supports (SWPBS) is a systematic approach for improving social competence and academic achievement. Increasing numbers of high schools utilize SWPBS to implement Positive Behavior Supports (PBS) interventions to enhance social competence and Response to Intervention (RTI) for learning problems. Typical approaches might include training in learning strategies to address memory problems or teaching self-monitoring strategies for a student with Asperger's Syndrome (Shaw, Madaus & Dukes, 2010). These approaches provide data-based results on the efficacy of supports and accommodations that have been used to overcome academic and social problems. SWPBS typically provide well-documented teacher report data on what worked and what functional limitations and strengths resulted from the intervention. The use of this information is highly encouraged.

If DS professionals accept or even embrace the recommendation to become an agent of change, there are many steps that can be taken to adjust to the challenges endemic to new circumstances and expectations. An obvious first step is to develop a complete understanding of the changes that have occurred. While the ADAAA (2008) provided the impetus for change, making time to seek the insight of legal and policy experts regarding the implications of the law and carefully reviewing new professional guidance can help you identify practical applications for your institution. Peer-reviewed publications such as the *Journal of Postsecondary Education and Disability* provide policy direction and current research to inform practice (e.g., de Vries & Schmitt, 2012; Madaus et al., 2011). These steps can assist with making informed changes to policies and practices.

Conclusion

Although dealing with change is always challenging, divergent approaches to disability documentation have particularly bedeviled postsecondary DS for decades. Although the SOP was not at all welcomed when it was first presented to AHEAD members (Shaw & Parker, July, 2006), the de Vries and Schmitt research now indicates a significant acceptance of the utility of the comprehensive data that can be reported in this document. While reaction to the AHEAD Documentation Guidance (2012) has cast a new light on the disparate "camps" regarding the amount and type of documentation campuses should request, there is a productive professional stance that postsecondary disability personnel can take to move beyond these

differences to more effectively serve students with disabilities. A three-phased approach to determining accommodations is recommended:

1. Use all available data (including documents that reflect education and accommodation history such as the SOP);
2. If those data are not comprehensive, conclusive or sufficient, review successive levels of documentation until the student's functional limitations and need for accommodation are clear; and
3. Work collaboratively with secondary personnel, State Departments of Education, parent groups and secondary transition agencies to improve the quality of SOP's, IEP's and teacher report data over time.

References

Association on Higher Education And Disability (1997). *Guidelines for documentation of learning disabilities in adolescents and adults*. Columbus, OH: AHEAD.

Association on Higher Education And Disability (2012). Supporting accommodations requests: *Guidance on documentation practices*. Huntersville, NC: AHEAD

Americans with Disabilities Act of 1990, 42 U.S.C.A. § 12101 et seq.

Americans with Disabilities Act Amendments Act of 2008, Pub. L. No. 110-325.

Brinckerhoff, L., McGuire, J, & Shaw, S. (2002). *Postsecondary education and transition for students with learning disabilities* (2nd ed.). Austin, TX: PRO ED.

De Vries, R. S., & Schmitt, A. J. (2012). Postsecondary disability service providers' perceived usefulness of a model summary of performance. *Journal of Postsecondary Education and Disability*, *25*(4), 283 - 296.

Dukes, L. L., Shaw, S. F., & Madaus, J. W. (2007). How to complete a summary of performance for students exiting to postsecondary education, *Assessment for Effective Intervention, 32*, 143-159.

Education of All Handicapped Children Act, Pub. L. No. 94-142. (1975).

Florian, L. (2007). *Handbook of special education*. London: Sage Publications.

Guidelines for documentation of attention deficit/ hyperactivity disorder in adolescents and adults. (1998). *Consortium on ADHD Documentation*: Boston.

Keenan, W. R., & Shaw, S. F. (2011). The legal context for serving students with learning disabilities in postsecondary education. *Learning Disabilities: A Multidisciplinary Journal, 17*(2), 55-62.

Madaus, J., Bigaj, S., Chafouleas, S., & Simonsen, B. (2006). What key information can be included in a comprehensive summary of performance? *Career Development for Exceptional Individuals, 29*, 90-99.

Madaus, J. W., & Shaw, S. F. (2006). The impact of the IDEA 2004 on transition to college for students with learning disabilities. *Learning Disabilities Research and Practice, 21*, 273-281.

Madaus, J. W., Shaw, S. F., Miller, W., Banerjee, M., & Vitello, S. (2011). The summary of performance: The reality and the possibility. *Learning Disabilities: A Multidisciplinary Journal, 17*, 33-38.

National Joint Committee on Learning Disabilities (2007, July). *The documentation disconnect for students with learning disabilities: Improving access to postsecondary disability services*. Retrieved from http://www.ahead.org/resources/ articles/njcld-paper#3

National Transition Assessment Summit (2005). *Nationally ratified summary of performance model template*. Retrieved from http://www.cec.sped.org/ AM/Template.cfm?Section=Search&section=News_ andIssues1&template=/CM/ContentDisplay. cfm&ContentFileID=1660

Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 701 et seq.

Shaw, S. F. (2006). Legal and policy perspectives on transition assessment and documentation. *Career Development and Exceptional Individuals, 29*, 108-113.

Shaw, S. F., & Dukes, L. L. (2006) Postsecondary disability program standards and performance indicators: Minimum essentials for the Office of Students with Disabilities, *Journal of Postsecondary Education and Disability, 19*(1), 14-24.

Shaw, S. F., Dukes, L. L., & Madaus, J. W. (2012). Beyond compliance: Using the summary of performance to enhance transition planning. *Teaching Exceptional Children, 44*(5), 6-12.

Shaw, S. F., Keenan, W. R., Madaus, J. W., & Banerjee, M. (2010). Disability documentation, the Americans with Disabilities Act Amendments Act and the summary of performance: How are they linked? *Journal of Postsecondary Education and Disability, 22*(3), 142-150.

Shaw, S. F., Madaus, J. W., & Dukes, L. L. (2010). *Preparing students with disabilities for college success: A practical guide for transition planning.* Baltimore: Brookes.

Shaw, S. F., McGuire, J. M., & Madaus, J. W. (1997). Standards of professional practice. *Journal of Postsecondary Education and Disability, 12*, 26-35

Shaw, S. F., & Parker, D. R. (2006, July). *Disability documentation: Using all the available assessment data.* Presentation at the AHEAD Annual Conference, San Diego, CA.

Sutton v. United Air Lines, Inc., 527 U.S. 471 (1999).

Toyota Motor Manufacturing Kentucky, Inc. v. Williams, 534 U.S. 184 (2002).

About the Author

Stan Shaw received his MA degree from the University of Northern Colorado and Ed.D. in Special Education from the University of Oregon. His experience includes four decades as professor of special education at the University of Connecticut (UConn) where he was coordinator of the special education program. He is currently Senior Research Scholar at the Center on Postsecondary Education and Disability in the Neag School of Education at UConn. His research interests include transition to postsecondary education and disability policy and law. He can be reached by email at: stan.shaw@gmail.com.